

REMARKS

Status of the Claims:

Claims 1-12, 15, 21, 23-25, 27, 28, 30-36, 38-48, 51-76 are pending. Claims 41-45, 47, 48, 51-63 have been withdrawn from consideration. Applicants gratefully acknowledge that the Examiner has deemed all claims under consideration to be free of the prior art and has allowed claims 1-12, 15, 21, 23, 25, 27, 36, 38, 39 46, 68-74 and 76. Claim 73 has been amended to more particularly point out the invention. Support for the amendment is found on page 27, lines 1-26 of the specification. Claims 24 and 28 have been amended to more particularly point out the invention. Support for these amendments is found in the specification on page 3, lines 8-22 and page 26, lines 5-23.

Objections to the Claims

Claim 25 is objected to because it contained a typographical error. Applicants have amended the claim herein to correct the error. Applicants respectfully request withdrawal of the objection.

Enablement

Claims 24, 28 and 64-67 stand rejected for alleged lack of enablement under 35 U.S.C. §112 first paragraph. The Office alleges that the claims lack functional language and therefore fail to satisfy the how to use requirement of §112 first paragraph.

Applicants submit that the claims when read in light of the specification are enabled.

The specification states, for example, that: "the invention relates to isolated and/or recombinant (including, e.g., essentially pure) nucleic acids comprising sequences which encode a humanized immunoglobulin or humanized immunoglobulin light chain or

heavy chain of the present invention,” (page 25, lines 4-7). Nonetheless, without conceding the correctness of the rejection, and for the sole purpose of expediting prosecution, Applicants have amended claim 24 to recite “encoding an immunoglobulin light chain having binding specificity for B7-2” and claim 28 to recite “encoding an immunoglobulin heavy chain having binding specificity for B7-2” thus obviating the rejection. Support for these amendments is found in the specification on page 26, lines 5-23, and page 3, lines 8-22. Claims 64-67 depend on either claim 24 or 28. Accordingly, the amendment obviates the enablement rejection and Applicants respectfully request that it be withdrawn.

Claims 30-35, 40 and 75 stand rejected for alleged lack of enablement under 35 U.S.C. §112 first paragraph. The Office alleges that the claims fail to satisfy both the how to use and how to make requirement of §112 first paragraph because the claims recite the term “fused gene.” The Office alleges that the term fused gene includes regions preceding and following the coding region, as well as introns and that the specification provides insufficient guidance regarding how to make and use these elements. Without conceding the correctness of the rejection, and for the sole purpose of expediting prosecution, Applicants have amended claims 30, 33, 40, and 75 to recite “a nucleic acid.” Claims 31 and 32 depend on claim 30. Claims 34 and 35 depend on claim 33. Support for the amendment can be found on page 25, lines 4-7 and page 27, lines 20-26. Applicants respectfully submit that the amendment obviates the rejection and accordingly request that the rejection be withdrawn. Additionally, Applicants have replaced the term “fused gene” in claims 64 and 66 with “nucleic acid.” Support for this amendment is found in the specification on page 25, lines 4-7 and page 27, lines 20-26.

Written Description

Claims 30-35, 40 and 75 stand rejected under 35 U.S.C. §112 first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the Applicants had possession of the claimed invention. The Office specifically objects to the term "fused gene," alleging there is insufficient written description to describe all the elements associated with the claimed fused gene. Without conceding the correctness of the rejection and for the sole purpose of expediting prosecution, Applicants have amended claims 30, 33, 40, and 75 to recite "a nucleic acid." Claims 31 and 32 depend on claim 30. Claims 34 and 35 depend on claim 33. Support for this amendment has been described above. Additionally, the term "fused gene" has been replaced with "nucleic acid" in claims 64 and 66. Applicants submit the amendment obviates the rejection and Applicants respectfully request its withdrawal.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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